



RETAIL OPERATING STANDARDS TASK FORCE (ROSTF)

Introduction

In 1994, legislation was enacted to improve the quality of life in local communities. Section 25612.5 of the Business and Professions Code, which took effect January 1, 1995, requires licensed package stores and bars to take affirmative measures to prevent and eliminate nuisance conditions at the premises. The law requires licensees to, among other things, remove litter daily, control graffiti, provide exterior illumination, and keep windows clear of excessive signage.

Shortly after the new law took effect, ABC developed the Retail Operating Standards Task Force (ROSTF). Prior to ROSTF, there was no systematic, pro-active strategy to address public nuisance problems at the point of sale on a community-wide scale. Nuisance conditions were addressed on a case-by-case basis.

ROSTF is one of several strategies ABC uses to carry out its enforcement responsibilities. Other strategies include undercover investigations, other special task forces, and the Decoy Shoulder Tap Program, which targets adults who furnish alcohol to minors. In addition, ABC provides technical assistance to local law enforcement agencies that choose to run minor decoy programs.

Goals and Objectives

The goals of ROSTF are to (a) detect, deter, educate, and bring into compliance those licensees who are in violation of Section 25612.5, and (b) strengthen partnerships with local law enforcement.

Program Components

To achieve its goals, ROSTF relies on the sworn staff members of the local law enforcement agency, local ABC district office, and/or ABC's Special Operations Unit. Components include task force formation, identification of licensed outlets, site visits and documentation, licensee admonishment, and follow up.

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- **TASK FORCE FORMATION.** Experienced ABC investigators from the ABC district office or Special Operations Unit team with local law enforcement officers.
- **IDENTIFICATION OF OUTLETS.** Officers identify the licensed package stores and bars in the targeted area.
- **SITE VISIT AND DOCUMENTATION.** Officers document any violations of Section 25612.5 in writing and with photographs.
- **LICENSEE ADMONISHMENT.** Officers advise the licensee or on-duty manager of the provisions of Section 25612.5 and request that he or she correct the identified violations.
- **FOLLOW UP.** Seven to ten days later, officers re-check the licensed premises. If nuisance conditions still exist, officers cite the licensee for violation of Section 25612.5.
- **REPORTING.** If officers find violations during their follow-up visit, a case report is submitted at the local ABC district office for review. An accusation may be filed against the licensee alleging grounds for the suspension or revocation of the ABC license (similar to a complaint in a civil matter). Administrative penalties are decided on a case-by-case basis, with consideration given to the facts of each case and the licensee's prior record.
- **MEDIA.** Media coverage of ROSTF is generally positive and helps bring about voluntary compliance among licensees who may be unaware of the law.

Results and Impact

The program's success can be measured quantitatively by the reduction in alcohol-related arrests, crimes, and calls for service in many jurisdictions. Quantitative measures include the number of criminal citations issued and administrative accusations registered. Qualitative measures include declarations of satisfaction from

local law enforcement officers and community members, and visible improvements in the physical conditions of targeted outlets.

The program has strengthened the working relationship between ABC, local community leaders and law enforcement agencies. This State and local partnership results in a more effective use of human resources, a reduction in crime and more efficient use of taxpayer funds. Of great interest has been the many businesses who, after notification, take steps to correct the cited problems. The result is reduced calls for police service and improved conditions in neighborhoods impacted negatively by liquor stores and bars.

Funding

No specific funding is allocated to ROSTF. It is a component of ABC's enforcement program.

Contact Information

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25612.5. Retail Operating Standards.

. . . each retail licensee shall comply with all of the following:

(1) A prominent, permanent sign or signs stating "**NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES**" shall be posted in a place that is clearly visible to patrons of the licensee. The size, format, form, placement, and languages of the sign or signs shall be determined by the department. This paragraph shall apply to a licensee only upon written notice to the licensee from the department. The department shall issue this written notice only upon a request, from the local law enforcement agency in whose jurisdiction the premises are located, that is supported by substantial evidence that there is loitering adjacent to the premises. (Emphasis added.)

(2) A prominent, permanent sign or signs stating "**NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES**" shall be posted in a place that is clearly visible to patrons of the licensee. The size, format, form, placement, and languages of the sign or signs shall be determined by the department. This paragraph shall apply to a licensee only upon written notice to the licensee from the department. The department shall issue this written notice only upon a request, from the local law enforcement agency in whose jurisdiction the premises are located, that is supported by substantial

evidence that there is drinking in public adjacent to the premises. (Emphasis added.)

(3) No alcoholic beverages shall be consumed on the premises of an off-sale retail establishment, and no alcoholic beverages shall be consumed outside the edifice of an on-sale retail establishment.

(4) The exterior of the premises, including adjacent public sidewalks and all parking lots under the control of the licensee, shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, the required illumination shall be placed so as to minimize interference with the quiet enjoyment of nearby residents of their property.

(5) Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking lots under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.

(6) Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or a weekend day, or on a holiday, the licensee shall remove the graffiti 72 hours following the beginning of the next weekday.

(7) No more than 33 percent of the square footage of the windows and clear doors of an off-sale premises shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. However, this latter requirement shall not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises to a person standing outside the premises.

(8) Upon request of the local law enforcement agency in whose jurisdiction the licensed premises are located or at the discretion of the department, each public telephone located on off-sale premises (or located in an adjacent area under the control of the off-sale licensee) shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone.

(9) Every licensed retailer who sells or rents video recordings of harmful matter, as defined in Section 313 of the Penal Code, shall create an area within his or her business establishment for the placement of video recordings of harmful matter and for any material that advertises the sale or rental of these video recordings. This area shall be labeled "adults only." The licensed retailer shall make reasonable efforts to arrange the video recordings in this area in such a way that minors may not readily access the video recordings or view the video box covers. The failure to create and label the "adults only" area is an infraction punishable by a fine of not more than one hundred dollars (\$100). The failure to place a video recording or advertisement, regardless of its content, in this area shall not constitute an infraction.

(10) A copy of the applicable operating standards shall be available during normal business hours for viewing by the general public.